<center>**REMARKS**</center>

Claims 1, 3-17, 20, 22, 24, 26, 28, 30-32, 34-48, 51, 53, 55, 57, 59, 61, 62, 69, 70, and 83-85 are now pending in the above-captioned application.

RESPONSE TO ARGUMENTS

The Examiner has withdrawn the inherency rejection in response to applicant's arguments. The Examiner's candor is appreciated. A new, NON-FINAL Office Action has been issued as a result

REJECTION UNDER 35 U.S.C. §112, Second Paragraph

Claims 1 and 32 were rejected under 35 U.S.C. §112, second paragraph due to some minor informalities which have been corrected by the above amendment.

In particular, claims 1 and 32 were rejected to the lack of proper antecedent basis for the term "the initial time period." Claim 1 has been amended recite "an initial time period" which is later referred to in the claims as "the initial time period." Claim 32 has been amended to change the second recitation to "the initial time period" as in line 9 it already recited "an initial time period." Thus, proper antecedent basis is now present for the term in both claims.

As such, the §112 rejection has been overcome.

REJECTION UNDER 35 U.S.C. §103

Claims 1, 3, 6, 10-13, 32, 34, 37-38, 41-44, 69 and 70 were rejected under 35 U.S.C. §103(a) as being anticipated by Volnak (U.S. Patent No. 6,694,357) in view of Sykes, Jr. (U.S. Patent No. 7,020,688). Applicant respectfully traverses this rejection.

In order to be complete, an obviousness-type rejection must contain two elements:
1. The references, as combined, must show all the features of the claimed invention (all elements rule); and
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In this instance, neither element is present.

The Office Action argues that "Volnak teaches a system for archiving permanent data blocks..." (Office Action, Page 3). In this regard, Volnak is disclosing nothing new – applicant has already disclosed such system in his prior issued U.S. Patents (See, e.g., U.S. Patent Nos. 5,189,700, 5,347,579, 6,442,691, and 6,470,449, cited in the present application.) all of which were prior to Volnak's patent. However, the permanent archive of Volnak is *on the user client's own computer*. It is not remote.

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Volnak recites:

"FIG. 4B describes a standalone library creation operation 430, according to a further embodiment of the invention. Stages 435, 437, 440, 445, and 447 are analogous to stages 405, 408, 410, 415 and 420 of the operation of FIG. 4A. In stage 450, however, one or more notebooks are selected by the user for publication and, in stage 455, the selected notebooks and the corresponding entries in archives 320 are "published" by replicating the notebooks and the entries and storing the **resulting copies as a non-modifiable collection of data objects and associated references in the computer system**. The published library is referred to as a **standalone library** and the notebook entries contained in the standalone library **cannot be modified.** Furthermore, the standalone library does not provide a journal for adding entries to the archives. **New entries cannot be added to the notebooks of the standalone library and existing notebooks cannot be modified.**" (Volnak, Column 5, lines 22-34, emphasis added).

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> "In FIG. 9A, general purpose computers 900, 910 and 920 are connected to a local area network 930 and execute an information system program according to an embodiment of the invention, such as the one described in reference to FIG. 3. Local area network 930 is any suitable local area data communications network known in the art. **A user of general purpose computer 900 creates journal entries**, as described in reference to FIGS. 5B-5D. **The user then freezes the entries by storing them in the archives of general purpose computer 900**, as described in reference to FIG. 3. **Copies of all entries selected for distribution** by the user are then transferred over local area network 930 to general purpose computer 920, where they are stored in the archives of the group library. A user of general purpose computer 930 then receives copies of the frozen entries stored in the group library of general purpose computer 920, storing them in his/her library." (Volnak, Column 10, lines 22-37, emphasis added).

The user of the client computer transfers those permanent data objects that he wants those other users to have to the server. The object of the transfer is to facilitate a group effort, not to use a remote computer as an archive. The other computers in Volnak do not comprise a permanent archive. Thus, Volnak does not anticipate applicant's using a remote computer as a permanent, or non-rescindable, archive for the user of the client computer.

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Sykes recites:

"The email message remains stored with the third party archiving and verification provider **for a time determined by the sender's user profile**, which was established at the time the sender opened its account, as from time to time amended. Alternatively, the user could be allowed to select the time for storage at the time the message is sent. The user can also extend the time for storage later, as described below. The third party verification provider preferably provides the sender with access to the stored email messages via a web browser, **allowing the sender to manage the stored messages, deleting unneeded messages**, extending the storage time for messages, and requesting verified copies of messages." (Sykes, Col. 6 lines 7-19, emphasis added)

"A search button is also provided, which the user can click to execute the selected search. An example of the search results page is shown in FIG. 9. **The Search Results page provides links to "Read" and to "Delete" each message displayed on the page.** If the user clicks on the "Read" link, the message is displayed, together with a warning that a printout could have been modified. An example of such a page is shown in FIG. 10." (Sykes, Col. 7, lines 10-18, emphasis added)

"As shown in FIG. 10, on the display page of an archived email, **three links are provided: "Delete This Message"**, "Get a Notarized Copy", and "Extend This Message". The "Delete This Message" link causes the message to be deleted. **FIG. 11 shows an example of a page that might appear when the "Delete This Message" link is clicked.**" (Sykes, Col. 7 lines 19-24, emphasis added)

Note that in Figure 11 of Sykes, there is a message which says "By pushing the "Delete Message button, you are deleting the message from our database and our local copy. This message will no longer be accessible by you. Please use with caution."

Thus, it is clear that Sykes does not fix the problem with the underlying Volnak reference. In particular, Sykes does not teach or suggest a non-rescindable archive, but in fact, teaches that entries may be deleted at will. There is no description in Sykes of negotiating an initial time period for non-rescindable storage of data blocks, as set forth in claims 1 and 32.

Moreover, the stated motivation to combine Sykes and Volnak is lacking. The stated motivation (Office Action, Page 5) is merely a conclusory statement that "It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the non-rescindable remote archive system of Volnak with the ability to negotiate a time period of archive storage as described by Sykes." No reason is given why such a combination is "obvious." As such, a *prima facie* case of obviousness under 35 USC §103 has not been made and the rejection should be withdrawn.

Sykes is directed toward a system for archiving and verifying electronic communications (e-mails) whereas Volnak is directed toward a system for creating non-modifiable data objects. It is unclear why one would be motivated to modify Volnak with an e-mail system to produce an electronic diary.

If Volnak had a remote archive in his system, he would have had described how to ensure that any remote non-rescindable data could not be modified by the user who created them. Since one has no physical or inspection control over a remote archive, all one can hope for is an agreement (hopefully enforceable) that the remote archive will ensure non-rescindibility per agreement. Volnak gave no such description, naturally ... because he had no remote archive in his system.

With regard to claims 3, 34, 69, applicant's arguments regarding Volnak and Sykes are repeated here. Since Volnak and Sykes do not teach all of the limitations of the independent claims, the rejection of the dependent claims fails as well. Volnak does disclose a technique for transmitting data from a server to other users, but does not teach or suggest the negotiation of an initial time period of non-rescindibility.

With regard to claim 70, the Examiner has taken *Official Notice* that it is common to verify personal data before providing access. Applicant respectfully traverses this rejection. Applicant's arguments regarding Volnak and Sykes are repeated here. Since Volnak and Sykes do not teach all of the limitations of the independent claim, the rejection of the dependent claim fails as well.

Applicant respectfully requests that the Examiner cite a reference, which shows the features not taught by the primary reference (and provide a proper motivation to combine that reference with the primary reference) or withdraw the rejection.

With regard to claims 6-7, 37-38, applicant respectfully traverses this rejection. Applicant's arguments regarding Volnak and Sykes are repeated here. Since Volnak and Sykes do not teach all of the limitations of the independent claim2, the rejection of the dependent claims fails as well.

The Examiner admits that Volnak does not teach or suggest a time-stamping means physically remote from the user data processing means and remote archive storage means. The Examiner then states that the references show a time-stamping means, but does not cite any portion of either reference which teaches such a feature. Applicant requests that the Examiner cite specifically where within either reference, such a feature is taught, or withdraw the rejection. The burden is on the Examiner to show the feature in the reference. The Examiner cannot simply state that a feature is shown in a reference and then leave applicant to guess where it is located.

The Office Action argues that the feature of storing the time-stamp **as an additional non-rescindable data block** with the one or more data blocks in the remote archive storage means is shown in Sykes. As noted previously, however, these references fail to teach or suggest ALL of the features of the claimed invention and moreover, there is no motivation to combine these references. Moreover, while these references discuss time-stamping in general, they do not teach or suggest storing this time-stamp as an additional non-rescindable data block as set forth in the claims.

The motivation to combine this alleged feature (presumably in Sykes somewhere, but where is not mentioned) is that "it would have been obvious....to modify Volnak and Sykes to have the time stamping means physically remote from the user data" (Office Action, page 6).

The problem with this motivation argument is that it merely states a desired end result, without any logical reason for doing so.

Curiously, this portion of the rejection goes on to re-state that all the features of the claimed invention are located within the references (again, without specific column number and line recitations or Figure or element numbers for the features) and then states a second motivation to combine – that the combination would have yielded predictable results.

It appears that the Examiner is arguing that time-stamping, regardless of location (remote, local, 3rd party, or whatever) would produce the same results, or predictable results. Applicant respectfully disagrees. In a local computer, it is all too easy to reset internal clocks to fool time-stamping software and also to manually edit files to alter time-stamps. The time-stamping is not only remote from the remote user data, but also remote from the user.

In the Prior Art, a user will use a remote time-stamping service and then return the time stamp to himself or, along with the document to a third party; not to a personal remote archive. Certainly not to a non-rescindable personal remote archive. Or, the archive will perform the time stamping itself, perhaps using a third party for the times tamping, before storing the data. A third party time stamping, located physically remote from both the user and the archive, prevents such tampering with time-stamps, either by the user or by the archive. This result is neither obvious or expected.

With regard to claims 10-13, 41-44, applicant respectfully traverses this rejection. Applicant's arguments regarding Volnak and Sykes are repeated here. Since Volnak and Sykes do not teach all of the limitations of the independent claims, the rejection of the dependent claims fails as well. The Examiner agues that he is interpreting a filing key as a "compartment name or significant word" from paragraph [0043] of the Specification and then compares this with a text tag field disclosed in Volnak (Volnak, Col. 7, lines 2 and 6-7).

Applicant describes the filing keys in paragraph [0039] of the Specification:

[0039] User 1 input may also include a means for creating **filing keys K**, for diary entry D. Filing keys K (e.g., compartment name or significant words) **may comprise a randomly generated or designated filing key K unique to user 1 or assigned by the system**. These keys can be useful in retrieving desired data from the archive, **even if the data are encrypted.** If desired for further privacy the keys themselves could be encrypted. Then they may be retrieved, decrypted, and then used to select the desired diary entries.

The Examiner is taking the unfounded position that a filing key could comprise a keyword, such as a text tag field. However, the filing keys, as described in the Specification, are more than keywords, but a key (as the term is ordinarily used in electronic arts) assigned to the data entry for use *even if the file is encrypted.* It is clear that a mere text tag would not support such a function, and thus the text tags of Volnak do not read on applicant's filing keys.

Claims 8-9, 14-15, 31, 39-40, 45-46, and 83-85 were rejected under 35 U.S.C. §103(a) as being anticipated by Volnak (U.S. Patent No. 6,694,357) in view of Sykes, Jr. (U.S. Patent No. 7,020,688) further in view of Cane (U.S. Patent No. 5,940,507). Applicant respectfully traverses this rejection.

Cane explicitly contemplates that archival storage is rescindable. As set forth in the SUMMARY OF THE INVENTION in Cane, Cane recites "Finally, when an item **is to be deleted**, a deletion instruction implicating a particular file is issued to the archive server."

From the DETAILED DESCRIPTION of Cane: "File deletion involves searching the tape index disk file 40, for the entry corresponding to the file 10 marked for deletion. Rather than retrieving the key and volume, however, the encrypted key 44 is deleted and the storage area in the tape index disk file 40 overwritten with zero values. This overwriting is required to avoid future access to the encrypted key 44 through use of a sector level disk access, as many file systems merely flag a deleted area as available, and data physically remains unaltered until a subsequent write needs the available space. Elimination of the encrypted key effectively precludes future access to the contents of the archived file stored on magnetic tape without requiring physical modification to the archive volume; only the encrypted key is deleted."

Thus, in Cane, the complete entry is effectively deleted from the archive even though only the encryption key is physically deleted. Archival storage has always been not non-rescindable by nature. Consider the days when computer tapes were stored with archival storage. Any tape could at any moment, from the moment of first unloading, have been returned.

Thus, it is clear that Cane does nothing to correct the defects in the underlying references, and since both references do not teach or suggest a non-rescindable archive, they fail, even in combination, to recite all of the elements of the present invention as claimed.

The Office Action admits (page 9) that Volnak and Sykes do not teach an encryption means, and an encryption means whereby the remote storage archive may not decrypt the blocks (Note: there is an erroneous reference to Botti in the text of the Office Action on Page 9).

The Examiner is correct, of course, that neither Volnak nor Sykes teach this encryption feature. Volnak explicitly teaches a means of distributing data to users in a network, and thus using encryption that only the user could decrypt would defeat the function of the Volnak system.

Cane is added to the mix to allegedly show this feature. Cane is alleged to teach a cryptographic engine 14 in Figure 1 coupled to a user (Figure 1, source system 8) and a remote archive storage (Archive Server 30). Cane is directed toward an archiving system (e.g., backup up your hard drive on the internet) and thus allows a user to archive their data to the Cane server in encrypted form, where the server cannot decrypt the data. However, Cane does not teach the missing features of claims and 32, namely the negotiation for a period of non-rescindibility, which is not taught in either Volnak or Sykes. Thus, the §103 rejection fails in any event.

In addition, one questions what would motivate one of ordinary skill in the art to combine the e-mail system of Sykes with the document distribution system of Volnak with the online backup system of Cane. Each of these three Patents is directed toward solving a different problem with inherently different characteristics. Encryption would hobble the system of Volnak, which is designed to disseminate data, unless the server and end users could decrypt the data. If only the source user can decrypt the data, no information is disseminated.

With regard to claims 9, 15, 31, 40, 46, 83, and 85, the Examine admits that *all three references* fail to teach the feature of an independent encryption party. As such, this rejection should be withdrawn. The Examiner has already acknowledged that "inherency" arguments do not carry weight. It is bad enough to cobble together three disparate references with a specious motivation to combine. It is worse to make a rejection acknowledging that the references do not even fail to teach the invention. A *prima facie* case of obviousness has not been made here. The rejection fails by the Examiner's own admission.

Claims 16-17 and 47-48 were rejected under 35 U.S.C. §103 as being unpatentable over Volnak in view of Sykes, further in view of Biji. Applicant respectfully traverses this rejection.

The Biji reference is applied to show voice recognition and speech-to-text conversion as set forth the dependent claims 16-17 and 47-48. Applicant is not claiming to have invented speech recognition or speech-to-text conversion by itself.

Biji does not cure the defects in the underlying rejection – namely the use of a non-rescindable archive, and thus, since claims 16-17 and 47-48 depend from amended claims 1 and 32, they are still distinguishable over the art of record.

Claims 4-5, 20, 22, 24, 35-36, 51, 53, and 55 were rejected under 35 U.S.C. §103 as being unpatentable over Volnak and Sykes in view of Botti. Applicant respectfully traverses this rejection.

Applicant's comments concerning the Volnak and Sykes rejection are repeated here and applicant's prior comments regarding Botti in the previous Amendment are repeated here. Since Botti fails to correct the basic failings of the Volnak/Sykes rejection of the independent claims, this rejection fails as well. **Botti explicitly teaches that the archived data may be altered by the user.**

Botti is applied here to allegedly show a digital signature generating means. Again, since Botti does not address the underlying defect in the primary rejection, this rejection also fails. However, once again, the Examiner admits that the combination of *three references* does not teach all the claimed elements of the claims. In particular, (Office Action, page 15) the Examiner admits that Botti does not teach appending a digital signature data block to one or more data blocks. As such, a *prima facie* case of obviousness has not been made and the rejection should be withdrawn.

On page 16 of the Office Action, we are told that none of Volnak, Sykes, or Botti teach a remote time-stamping means, but again, that it would be obvious to add such a feature regardless. A proper §103 rejection begins with a combination of references showing all the features of the claimed invention,

followed by a proper motivation to combine the references. In this instance, the rejection fails on the first part, by its own admission that the three references fail to teach all the elements of the claimed invention.

Claims 26 and 57 were rejected under 35 U.S.C. §103 as being unpatentable over Volnak, Sykes, and Bottie [sic] as applied to claims 24 and 55, further in view of Bijl. Applicant respectfully traverses this rejection.

Applicant's previous comments concerning these references are repeated here. As previously noted, the independent claims have been amended to incorporate the limitation of a non-rescindable archive, a feature which is not taught in any of the references. Thus, since these references fail to teach all of the limitations of the independent claims, the rejection fails.

Claims 28, 30, 59, and 61-62 were rejected under 35 U.S.C. §103 as being unpatentable over Volnak, Sykes, Botti, and Bijl as applied to claims 26-57 [sic], further in view of Cane. Applicant respectfully traverses this rejection.

Applicant's previous comments concerning these references are repeated here. As previously noted, the independent claims have been amended to incorporate the limitation of a non-rescindable archive, a feature which is not taught in any of the references. Thus, since these references fail to teach all of the limitations of the independent claims, the rejection fails.

Applicant also notes that in this instance, the Examiner admits (Page 20) that *five references*, when combined together, do not teach all the features of the claimed invention. Once again, the Examiner relies upon an inherency argument to show the missing features. As such, a *prima facie* rejection under 35 USC 103 has not been made.
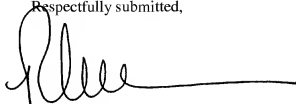
At the very least, a reference should be provided to show the missing feature or the rejection withdrawn. However, when four, five, and even six references are combined, the motivation to string together such references, particularly those directed toward different fields, different arts, different inventions, different problems and different solutions, becomes mathematically more difficult.

CONCLUSION

The independent claims recite the limitation of a non-rescindable archive, a feature which is not taught in any of the references. Thus, since these references fail to teach all of the limitations of the independent claims, the present claims are now in condition for allowance. An early Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees associated with this communication, including patent application filing fees and processing fees under 37 C.F.R. § 1.16 and 1.17, or credit any overpayment to **Deposit Account No. 50-1393.**

Respectfully submitted,

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"The email message remains stored with the third party archiving and verification provider **for a time determined by the sender's user profile**, which was established at the time the sender opened its account, as from time to time amended. Alternatively, the user could be allowed to select the time for storage at the time the message is sent. The user can also extend the time for storage later, as described below. The third party verification provider preferably provides the sender with access to the stored email messages via a web browser, **allowing the sender to manage the stored messages, deleting unneeded messages**, extending the storage time for messages, and requesting verified copies of messages." (Sykes, Col. 6 lines 7-19, emphasis added)

"A search button is also provided, which the user can click to execute the selected search. An example of the search results page is shown in FIG. 9. **The Search Results page provides links to "Read" and to "Delete" each message displayed on the page.** If the user clicks on the "Read" link, the message is displayed, together with a warning that a printout could have been modified. An example of such a page is shown in FIG. 10." (Sykes, Col. 7, lines 10-18, emphasis added)

"As shown in FIG. 10, on the display page of an archived email, **three links are provided: "Delete This Message"**, "Get a Notarized Copy", and "Extend This Message". The "Delete This Message" link causes the message to be deleted. **FIG. 11 shows an example of a page that might appear when the "Delete This Message" link is clicked**." (Sykes, Col. 7 lines 19-24, emphasis added)

Note that in Figure 11 of Sykes, there is a message which says "By pushing the "Delete Message button, you are deleting the message from our database and our local copy. This message will no longer be accessible by you. Please use with caution."

Thus, it is clear that Sykes does not fix the problem with the underlying Volnak reference. In particular, Sykes does not teach or suggest a non-rescindable archive, but in fact, teaches that entries may be deleted at will. There is no description in Sykes of negotiating an initial time period for non-rescindable storage of data blocks, as set forth in claims 1 and 32.

Moreover, the stated motivation to combine Sykes and Volnak is lacking. The stated motivation (Office Action, Page 5) is merely a conclusory statement that "It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the non-rescindable remote archive system of Volnak with the ability to negotiate a time period of archive storage as described by Sykes." No reason is given why such a combination is "obvious." As such, a *prima facie* case of obviousness under 35 USC §103 has not been made and the rejection should be withdrawn.

Sykes is directed toward a system for archiving and verifying electronic communications (e-mails) whereas Volnak is directed toward a system for creating non-modifiable data objects. It is unclear why one would be motivated to modify Volnak with an e-mail system to produce an electronic diary.

If Volnak had a remote archive in his system, he would have had described how to ensure that any remote non-rescindable data could not be modified by the user who created them. Since one has no physical or inspection control over a remote archive, all one can hope for is an agreement (hopefully enforceable) that the remote archive will ensure non-rescindibility per agreement. Volnak gave no such description, naturally ... because he had no remote archive in his system.

With regard to claims 3, 34, 69, applicant's arguments regarding Volnak and Sykes are repeated here. Since Volnak and Sykes do not teach all of the limitations of the independent claims, the rejection of the dependent claims fails as well. Volnak does disclose a technique for transmitting data from a server to other users, but does not teach or suggest the negotiation of an initial time period of non-rescindibility.

With regard to claim 70, the Examiner has taken *Official Notice* that it is common to verify personal data before providing access. Applicant respectfully traverses this rejection. Applicant's arguments regarding Volnak and Sykes are repeated here. Since Volnak and Sykes do not teach all of the limitations of the independent claim, the rejection of the dependent claim fails as well.

Applicant respectfully requests that the Examiner cite a reference, which shows the features not taught by the primary reference (and provide a proper motivation to combine that reference with the primary reference) or withdraw the rejection.

With regard to claims 6-7, 37-38, applicant respectfully traverses this rejection. Applicant's arguments regarding Volnak and Sykes are repeated here. Since Volnak and Sykes do not teach all of the limitations of the independent claim2, the rejection of the dependent claims fails as well.

The Examiner admits that Volnak does not teach or suggest a time-stamping means physically remote from the user data processing means and remote archive storage means. The Examiner then states that the references show a time-stamping means, but does not cite any portion of either reference which teaches such a feature. Applicant requests that the Examiner cite specifically where within either reference, such a feature is taught, or withdraw the rejection. The burden is on the Examiner to show the feature in the reference. The Examiner cannot simply state that a feature is shown in a reference and then leave applicant to guess where it is located.

The Office Action argues that the feature of storing the time-stamp **as an additional non-rescindable data block** with the one or more data blocks in the remote archive storage means is shown in Sykes. As noted previously, however, these references fail to teach or suggest ALL of the features of the claimed invention and moreover, there is no motivation to combine these references. Moreover, while these references discuss time-stamping in general, they do not teach or suggest storing this time-stamp as an additional non-rescindable data block as set forth in the claims.

The motivation to combine this alleged feature (presumably in Sykes somewhere, but where is not mentioned) is that "it would have been obvious....to modify Volnak and Sykes to have the time stamping means physically remote from the user data" (Office Action, page 6).

The problem with this motivation argument is that it merely states a desired end result, without any logical reason for doing so.

Curiously, this portion of the rejection goes on to re-state that all the features of the claimed invention are located within the references (again, without specific column number and line recitations or Figure or element numbers for the features) and then states a second motivation to combine – that the combination would have yielded predictable results.

It appears that the Examiner is arguing that time-stamping, regardless of location (remote, local, 3rd party, or whatever) would produce the same results, or predictable results. Applicant respectfully disagrees. In a local computer, it is all too easy to reset internal clocks to fool time-stamping software and also to manually edit files to alter time-stamps. The time-stamping is not only remote from the remote user data, but also remote from the user.

In the Prior Art, a user will use a remote time-stamping service and then return the time stamp to himself or, along with the document to a third party; not to a personal remote archive. Certainly not to a non-rescindable personal remote archive. Or, the archive will perform the time stamping itself, perhaps using a third party for the times tamping, before storing the data. A third party time stamping, located physically remote from both the user and the archive, prevents such tampering with time-stamps, either by the user or by the archive. This result is neither obvious or expected.

With regard to claims 10-13, 41-44, applicant respectfully traverses this rejection. Applicant's arguments regarding Volnak and Sykes are repeated here. Since Volnak and Sykes do not teach all of the limitations of the independent claims, the rejection of the dependent claims fails as well. The Examiner agues that he is interpreting a filing key as a "compartment name or significant word" from paragraph [0043] of the Specification and then compares this with a text tag field disclosed in Volnak (Volnak, Col. 7, lines 2 and 6-7).

Applicant describes the filing keys in paragraph [0039] of the Specification:

[0039] User 1 input may also include a means for creating **filing keys K**, for diary entry D. Filing keys K (e.g., compartment name or significant words) **may comprise a randomly generated or designated filing key K unique to user 1 or assigned by the system**. These keys can be useful in retrieving desired data from the archive, **even if the data are encrypted.** If desired for further privacy the keys themselves could be encrypted. Then they may be retrieved, decrypted, and then used to select the desired diary entries.

The Examiner is taking the unfounded position that a filing key could comprise a keyword, such as a text tag field. However, the filing keys, as described in the Specification, are more than keywords, but a key (as the term is ordinarily used in electronic arts) assigned to the data entry for use *even if the file is encrypted.* It is clear that a mere text tag would not support such a function, and thus the text tags of Volnak do not read on applicant's filing keys.

Claims 8-9, 14-15, 31, 39-40, 45-46, and 83-85 were rejected under 35 U.S.C. §103(a) as being anticipated by Volnak (U.S. Patent No. 6,694,357) in view of Sykes, Jr. (U.S. Patent No. 7,020,688) further in view of Cane (U.S. Patent No. 5,940,507). Applicant respectfully traverses this rejection.

Cane explicitly contemplates that archival storage is rescindable. As set forth in the SUMMARY OF THE INVENTION in Cane, Cane recites "Finally, when an item **is to be deleted**, a deletion instruction implicating a particular file is issued to the archive server."

From the DETAILED DESCRIPTION of Cane: "File deletion involves searching the tape index disk file 40, for the entry corresponding to the file 10 marked for deletion. Rather than retrieving the key and volume, however, the encrypted key 44 is deleted and the storage area in the tape index disk file 40 overwritten with zero values. This overwriting is required to avoid future access to the encrypted key 44 through use of a sector level disk access, as many file systems merely flag a deleted area as available, and data physically remains unaltered until a subsequent write needs the available space. Elimination of the encrypted key effectively precludes future access to the contents of the archived file stored on magnetic tape without requiring physical modification to the archive volume; only the encrypted key is deleted."

Thus, in Cane, the complete entry is effectively deleted from the archive even though only the encryption key is physically deleted. Archival storage has always been not non-rescindable by nature. Consider the days when computer tapes were stored with archival storage. Any tape could at any moment, from the moment of first unloading, have been returned.

Thus, it is clear that Cane does nothing to correct the defects in the underlying references, and since both references do not teach or suggest a non-rescindable archive, they fail, even in combination, to recite all of the elements of the present invention as claimed.

The Office Action admits (page 9) that Volnak and Sykes do not teach an encryption means, and an encryption means whereby the remote storage archive may not decrypt the blocks (Note: there is an erroneous reference to Botti in the text of the Office Action on Page 9).

The Examiner is correct, of course, that neither Volnak nor Sykes teach this encryption feature. Volnak explicitly teaches a means of distributing data to users in a network, and thus using encryption that only the user could decrypt would defeat the function of the Volnak system.

Cane is added to the mix to allegedly show this feature. Cane is alleged to teach a cryptographic engine 14 in Figure 1 coupled to a user (Figure 1, source system 8) and a remote archive storage (Archive Server 30). Cane is directed toward an archiving system (e.g., backup up your hard drive on the internet) and thus allows a user to archive their data to the Cane server in encrypted form, where the server cannot decrypt the data. However, Cane does not teach the missing features of claims and 32, namely the negotiation for a period of non-rescindibility, which is not taught in either Volnak or Sykes. Thus, the §103 rejection fails in any event.

In addition, one questions what would motivate one of ordinary skill in the art to combine the e-mail system of Sykes with the document distribution system of Volnak with the online backup system of Cane. Each of these three Patents is directed toward solving a different problem with inherently different characteristics. Encryption would hobble the system of Volnak, which is designed to disseminate data, unless the server and end users could decrypt the data. If only the source user can decrypt the data, no information is disseminated.

With regard to claims 9, 15, 31, 40, 46, 83, and 85, the Examine admits that *all three references* fail to teach the feature of an independent encryption party. As such, this rejection should be withdrawn. The Examiner has already acknowledged that "inherency" arguments do not carry weight. It is bad enough to cobble together three disparate references with a specious motivation to combine. It is worse to make a rejection acknowledging that the references do not even fail to teach the invention. A *prima facie* case of obviousness has not been made here. The rejection fails by the Examiner's own admission.

Claims 16-17 and 47-48 were rejected under 35 U.S.C. §103 as being unpatentable over Volnak in view of Sykes, further in view of Biji. Applicant respectfully traverses this rejection.

The Biji reference is applied to show voice recognition and speech-to-text conversion as set forth the dependent claims 16-17 and 47-48. Applicant is not claiming to have invented speech recognition or speech-to-text conversion by itself.

Biji does not cure the defects in the underlying rejection – namely the use of a non-rescindable archive, and thus, since claims 16-17 and 47-48 depend from amended claims 1 and 32, they are still distinguishable over the art of record.

Claims 4-5, 20, 22, 24, 35-36, 51, 53, and 55 were rejected under 35 U.S.C. §103 as being unpatentable over Volnak and Sykes in view of Botti. Applicant respectfully traverses this rejection.

Applicant's comments concerning the Volnak and Sykes rejection are repeated here and applicant's prior comments regarding Botti in the previous Amendment are repeated here. Since Botti fails to correct the basic failings of the Volnak/Sykes rejection of the independent claims, this rejection fails as well. **Botti explicitly teaches that the archived data may be altered by the user.**

Botti is applied here to allegedly show a digital signature generating means. Again, since Botti does not address the underlying defect in the primary rejection, this rejection also fails. However, once again, the Examiner admits that the combination of *three references* does not teach all the claimed elements of the claims. In particular, (Office Action, page 15) the Examiner admits that Botti does not teach appending a digital signature data block to one or more data blocks. As such, a *prima facie* case of obviousness has not been made and the rejection should be withdrawn.

On page 16 of the Office Action, we are told that none of Volnak, Sykes, or Botti teach a remote time-stamping means, but again, that it would be obvious to add such a feature regardless. A proper §103 rejection begins with a combination of references showing all the features of the claimed invention,

followed by a proper motivation to combine the references. In this instance, the rejection fails on the first part, by its own admission that the three references fail to teach all the elements of the claimed invention.

Claims 26 and 57 were rejected under 35 U.S.C. §103 as being unpatentable over Volnak, Sykes, and Bottie [sic] as applied to claims 24 and 55, further in view of Bijl. Applicant respectfully traverses this rejection.

Applicant's previous comments concerning these references are repeated here. As previously noted, the independent claims have been amended to incorporate the limitation of a non-rescindable archive, a feature which is not taught in any of the references. Thus, since these references fail to teach all of the limitations of the independent claims, the rejection fails.

Claims 28, 30, 59, and 61-62 were rejected under 35 U.S.C. §103 as being unpatentable over Volnak, Sykes, Botti, and Bijl as applied to claims 26-57 [sic], further in view of Cane. Applicant respectfully traverses this rejection.

Applicant's previous comments concerning these references are repeated here. As previously noted, the independent claims have been amended to incorporate the limitation of a non-rescindable archive, a feature which is not taught in any of the references. Thus, since these references fail to teach all of the limitations of the independent claims, the rejection fails.

Applicant also notes that in this instance, the Examiner admits (Page 20) that *five references*, when combined together, do not teach all the features of the claimed invention. Once again, the Examiner relies upon an inherency argument to show the missing features. As such, a *prima facie* rejection under 35 USC 103 has not been made.
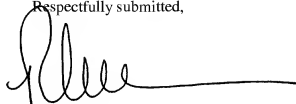
At the very least, a reference should be provided to show the missing feature or the rejection withdrawn. However, when four, five, and even six references are combined, the motivation to string together such references, particularly those directed toward different fields, different arts, different inventions, different problems and different solutions, becomes mathematically more difficult.

CONCLUSION

The independent claims recite the limitation of a non-rescindable archive, a feature which is not taught in any of the references. Thus, since these references fail to teach all of the limitations of the independent claims, the present claims are now in condition for allowance. An early Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees associated with this communication, including patent application filing fees and processing fees under 37 C.F.R. § 1.16 and 1.17, or credit any overpayment to **Deposit Account No. 50-1393.**

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